

REQUEST TO CHARGE

Single or Multiple Conspiracies

Count One of the indictment charges that the defendants knowingly and deliberately entered into a conspiracy to [describe substantive offense(s)].

In order to sustain its burden of proof for this charge, the Government must show that the single [overall] [umbrella] [master] conspiracy alleged in Count One of the indictment existed. Proof of separate or independent conspiracies is not sufficient.

In determining whether or not any single conspiracy has been shown by the evidence in the case you must decide whether common, master, or overall goals or objectives existed which served as the focal point for the efforts and actions of any members to the agreement. In arriving at this decision you may consider the length of time the alleged conspiracy existed, the mutual dependence or assistance between various persons alleged to have been its members, and the complexity of the goal(s) or objective(s) shown.

A single conspiracy may involve various people at differing levels and may involve numerous transactions which are conducted over some period of time and at various places. In order to establish a single conspiracy, however, the Government need not prove that an alleged co-conspirator knew each of the other alleged members of the conspiracy nor need it establish that an

alleged co-conspirator was aware of each of the transactions alleged in the indictment.

Even if the evidence in the case shows that the defendant[s] were/was member[s] of some conspiracy, but that this conspiracy is not the single conspiracy charged in the indictment, you must acquit the defendants.

Unless the Government proves the existence of the single [overall] [umbrella] [master] conspiracy described in the indictment beyond a reasonable doubt, you must acquit the defendants.

United States v. Dorta, 783 F.2d 1179, 1183-1184 (4th Cir. 1986), cert. denied, 477 U.S. 905 (1986); *United States v. Hines*, 717 F.2d 1481, 1489-1490 (4th Cir. 1983), cert. den'd, 467 U.S. 1214 (1984). **See also**, *United States v. Harris*, 39 F.3d 1262, 1267 (4th Cir. 1994); *United States v. Leavis*, 853 F.2d 215, 218 (4th Cir. 1988).